Previous references.

File No. 42-95

190

Serial Nos. 1-11

(Sep Rec.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 11

Major **Part B.** for August 99.

SUBJECT.

Inspection of date trees reserved to Govt.

---

1. from the Petitioner Rayappa Son of Ponnaiah
Petn No 1172 of 14.9.95
Appeals against the Tumkur Dy Comm's orders stating that the right to trees and inspection of their number vests in govt and that the holder has no right over the trees and prays that the case may be enquired into & equitable orders are passed
To the Dy Comm. Tumkur
No Rev 781 dt 25.9.95

G. R. S. 58

Forward the above petition for report in records of the case to be returned.

Considered
Major

Reports on the petition of Rayappa of Cheelagondanahalli, in the Koratagere Sub-Taluq

4. To the Dy Comm. Tumkur.

No 4892 / P 1026 dt 23-11-95.

Requests to submit the entire correspondence on the subject which took place between the District & taluq officers and return the records for perusal & resubmission.

5. From the Dy Comm. Tumkur.

Dy No 6164 / Rel-526. L.No 665 dt 11.2.96.

Submits ~~further~~ information as called for in the above serial.

6. To The Dy Comms of Districts
The Excise Comm.

No 10000-8. P.F 69-95 dt 12.5.96

Directs that a register be kept of date trees reserved on lands granted for cultivation.

To. The Dy Comm of Tumkur.
The Excise Commissioner
No 10009-10 dt 12.5.96.

Confirms the ~~Dist~~ Tumkur Deputy Commissioners Orders & rejects Rayappa's petition.

To. The Petitioner. Rayappa.
Inward copy of the above.

To. The Excise Comm.

No 2432 / Ex90. dt 31.8.97.

Requests to state whether effect has been given to the order in Sl 6 above in all districts & whether the trees are duly inspected and results of inspection noted in the Register prescribed in the

FILE No. [illegible]

GOVERNMENT OF MYSORE

SER'AL No. 4

Note

(Please see Asstt Secy's order dated 23rd July/97.)

Serial No. 2

S. R. F. 89-96.

Govt in their proc No. 4744-52 / R7 138-93 & 24/11/96 have called for the opinions of the Excise Commr, Rev Supt, and the Dy Commrs of Districts on the question of giving out for cultivation, lands containing date trees, the right to trees thereof being reserved to Govt and directed that final orders on the question will be passed on receipt of such opinions.

Supt, Mysore Rev. Survey.
Excise Commr
Dy Commr, Shimoga Distt.
Do — Do — Kolar Distt.
Do — Do — Chitaldroog Distt

Replies have been received from the marginally noted Offices, and reminders to the remaining Dy Commrs issued requesting early submission of their replies.

The departmental instructions referred to in the Asstt Secretary's note will ~~be issued~~ if approved, be issued after the question is finally disposed of as directed in ~~para~~ the last para of the Govt proc. (Serial no 10)

Submitted for orders,

28/7/97

The replies as soon as they are duly rec'd, should be compiled & sub'd for orders.

Such office note is now required

– what orders were issued for a periodical inspection of this & other kinds of lands to see if the conditions of the grants are adhered to.

Refers on this point to D/F 29/7/97

Submd

From the Survr Genl's Office No 10000-8 P#69-95

5 9/5/96, issued from the Returns Branch. It will be seen that the Dy Commrs were requested to have a register in the form therein prescribed and to see that the conditions regarding the reservation of date trees at the time of the grant of survey nos are strictly observed by the holders of such survey nos & it is not known what effect has been given by Dy Commrs of this to that order. The order however D/F contains definite instructions as regards inspection.
5/8/97

Submitted to the Secy with reference to the 3rd Committee order of 20.7.97 on Secy Commrs letter No 54/31 of 13th July 1897
5/8/97

Looked to 3 D/F

6/8/97

Put up with Spl note to Secy file
6.8.97

Last copy

7/8/97

Letter below the letter No 12 dated 30/7/97 from the Secy Commrs

Mr Woolcombe
Outram & Jarvis
Mr Coulthurst
of Mr Scott who
also suggested
he was employing
Mr Rees Jones
Mr Jarvis
Mr Rees Jones
was instructed
to ascertain
the position of
Mr Scott
12 years ago -
but before coming
to a decision it
would be well to
ascertain the
opinion of Mr Jarvis
as the boy some
states that it
was always
recognised as a

16/11/95

to write to the
Corporation
Mr Jarvis
Mr Rees Jones

Rec'd 18/4
Drafted
18-11-95

to collect all
bills on the land,
both those outstanding
on the date of sale,
& those which have
since & may hereafter
accrue. If the bills
are not already
~~delivered~~ ready for
delivery, I think they
may be given up
to Scott on a fair
valuation. If Scott
~~refuses~~ declines to
accept the land with
the bills thereon, may
he be required to
give up the
use of the Electric
Light Installation.
Any other points
arising should be
settled by mutual
arrangement.

Such has been
the object of the
above negotiation.
It has already occupied
a good deal of time,
& will be more
troublesome, & I
should be glad to be
instructed to
proceed to a
conclusion or to
drop the matter
15-11-95.

Re draft submitted
16/11/95

Chillagondanahalli Koratagere Sub-T
Tumkur District.

D 13-7-95

1. This is an appeal by Payappa of Chillagondanahalli, Koratagere Sub Taluk, against the order of the Dy Commr. D 19-7-95 depriving him of the right to date trees growing on his land. The grounds of appeal are set forth in his English petition and in the abstract on the facing sheet.

2. This case arose on the complaint of Payappa the appellant (Vide Petition D 13-5-95 Rq. 1.) to the Dy Amildar that Survey No. 53 measuring 11 acres & assessed at Rs 8 was sold to his father Ponnanna on 17-12-82 and has been in their enjoyment ever since; that the Toddy Inspector has now permitted one Kambayya-toddy farmer of Rampura to tap the trees and has also given him an order D 1-1-95 forbidding his interference in it and denying his right to date trees but asserting that the Govt. had reserved that right to itself; that such reservation is not contained either in the Istiyar or in the confirmation order; and that trees grown subsequent to confirmation do not belong to Govt.

The Compt. on the same day deposed before the Dy Amilda

sold the land he reserved
55 date trees on it. Ponnamma
my father was its bidder for
Rs 58. As the land was a valuable
one, the Dy Amildar resold it
with an upset price of Rs 58.
None went in for it for more
than that sum. From this it
was meant that only 55 date trees
then standing belonged to Govt.
The land now contains 500 date
trees. Those that are 13 years
and under belong to me. The
land has not been under
cultivation for the last 13 years.
I have been paying its Kandayam
on the strength of the produce
from Honge & date trees. I
had leased trees fit for tapping
to Penhobali in the year Nandana (1892-93)
for Rs 15. In the year Vijaya
I had not leased it. But I
had done so in the year Jaya (1894-95)
to one Chennabasappa. It
was only this year & not before
that the officers of Govt. interfered"

The Dy Amildar on the same
day asked the Toddy Inspector for a
report. The ~~Amildar~~ Toddy Inspector's report
of 24.5.95 states that this No.
was included in the list of groves
prepared by order of the Dy Commr.
No. 66 of 22.12.94; that the
assertion of the complt. that
only the 55 date trees mentioned

the rest to him (complt) as they have shown subsequently is not true. That the trees ~~last harvested~~ on ~~occasion~~ last ~~from~~ are merely 25 years old; that people acquainted with the place & the Ryots say that previous contractors were tapping trees from this grove & taking them to the Dukans at Chikkajanahalli and Vaddageré; that when there was a Dharkast for this Rq in May 1882 it was rejected in accordance with the Dewan's Circular; that the records connected with this Dharkast show that there were 200 date trees; that the account of date trees on the land may not have been accurately taken at the time of sale because 1st it was unnecessary to do so for had executed a Kuchalika that he (purchaser) did not want ~~had~~ the right to date trees, 2ndly the grove in question was a fit one to be reserved; 3rdly ~~the~~ ~~sale was~~ the land was compiled for in the sale solely on account of Honge trees; that the then Dy Amildar has also remarked in the statement sent to the Dy Commr for confirmation that the land was unarable & that Honge trees alone contributed to the rise in the bid; that there was also a Circular from the Dy Commr No 164 D/16.5.93 that there are not sufficient Govt trees, groves on private

land at present containing
300 date trees; ~~and these have~~ that it is memd for Govt Vanam
~~been all along the property of~~ the right to the date trees in which belongs to the
Govt & not to Govt; & that the land which was not fit for cultivation was sold solely for the sake
of the Honge trees &c.

On this the Amildar on 25-9-95
issued notice to the Compt to prove
that he had leased this grove and that
the Public Authorities had not
interfered with it.

On 29.6.95 the Dy Amr
examined the Compt and his
2 witnesses Dasappa & Oofri.

The Compt says that this grove
sold to his father for Rs 61-10 (Rs
58 for land & Rs 3-10-a for fund);
that he took 2 years to clear
the overgrowth of Lantana
on the land;* and that if the
trees which had been reserved
to Govt were sold he was
prepared to buy them.

Dasappa says that he had
taken a year's lease of this
grove from Payappa (Compt)
for Rs 12-8-a some 8 years
back; that he had tapped the
trees in it for one year; that
this grove was formerly a Sirkar
grove belonging to the shops
of Vadagere, Chillagonahalli &
Hallijonahalli; that he does not
know whether this belonged to
any shop after the lease was
taken by him; and that at
the

* that the land was one which had never been cultivated, that he was farming out the date trees & making use of Honge leaves; that he is not living to give up the land, not even the trees other than the 55 reserved; that if the trees were in a portion of the land & the other portion of the land was arable, the date trees would be worth Rupee 1 each or at the lowest 12 annas; that in any case he is not willing to give up his rights;

200 trees fit for tapping.

Bogaeri states that in the year 1894-95 he had taken a lease of both this & Thimmayai grove for Rs 95, ~~from Pongatta (Govt)~~; that he had tapped the trees on Thimmayai holding but that he was prevented from doing so in this grove (called also as of Omoor as per 55) for, one Kambich had tapped them already as belonging to Govt.

On 30.6.95 the Dy Amildar sends his report to the Dy Commr stating (1) that he learns, that there were 55 date trees & some young trees at the time of sale, that the land was sold after reserving these date trees, that many trees had grown subsequently & that there are about 300 trees just now; (2) that there is a Kuchalika d/17.12.82 executed by Ponnanna at the time of sale by the Shikdar. This Kuchalika* clearly states that the right to date trees on this land may be reserved by the Govt; that he does not want it and that the right to the land was enough for him; (3) that

* The Kuchalika as translated states (Vide Pharisd/26 Dec/Number 8 in the file).
"I have been a Dharkastdar of dry land No 53. The right to date trees on this, viz, about 25 fit for tapping, about 30 small trees, may be reserved by Govt. I don't want it. The right of land is enough."

trees and this fact is also apparent from the remark by the then Dy Amildar in the statement* sent to the District for confirmation of sale; (4) that when there was a Dhaikast for the same Ho. in May 1882 by one Hobali it was rejected on 7.6.82 with the view of reserving it as a Shendi grove & then it was reported that it contained 200 date trees & 150 Honga trees; (5) that before it came to Pomania's possession it was a Govt. grove assigned to some Bhoys; (6) that this No. was included in the list of Shendi groves submitted in accordance with Govt. Pro: No. 3856-64/144 d 7.8.86; (7) that the 2nd Para of Govt. Pro: No. 1978-87/47 d 8.6.89 x says it is not necessary to reserve such as are in private holdings; but this seems applicable only to the Bangalore Dt.; (8) that during the last 5 years there have been very few Govt. Shendi groves of this Taluk; that among these some are assigned & some belong to the Bhoys of Tumkur Taluk; some have been all along in private holdings; that therefore it seems profitable to acquire

* Vide Sub No. 5 of No. 6 para 3 supra.

x Vide Sub Nos. 7, 8, 9 also para 3 supra.

x (Submitted herewith)

would desirable to do so he would submit that the trees now reserved to Govt. be sold to the present holder; that it is difficult to hold that the trees subsequently grown belong to Govt.; and that it is not possible to say which of the trees were reserved to Govt.

On 19.7.95 the Deputy Commr. ordered that in all cases where there have been a reservation of date trees and the land given out for cultivation, the right to land only goes to the holder, and the right to trees on them is always reserved to Govt. irrespective of their number. Therefore the holder has never the right to trees on them. So in the present instance the holder has given a kuchalika and that the right to trees subsequently grown belongs to the holder cannot be accepted.

On 13.9.95 the appeal petition was received here and on 25.9.95 the Dy Commr. was called upon for a report & on 12.11.95 the report was received. Again on 23.11.95 the Dy Commr. as per Rev. Commissioner's order was asked to state who was in the enjoyment of the trees in question since the sale of the land and what trees have grown there subsequent to the said sale.

A Mahazar has been drawn up on 4.1.96 (Vide Exh. 20) at the request of the Deputy Inspector by

trees plants & 175 Honge plants have grown subsequent to the sale. This is repeated in the Toddy Inspector's report who also says that in the year Nandana (92-93) this was let by the Petitioner (Appellant) for one year to one Venkobali for Rs 15 (Vide Ex. 21). The Dy Amildar's report of 1.2.96 (Vide Ex. 18) embodies the above facts and all these are again succinctly noted in the margin of the Dep. Comm's report of 14.2.96. A precis of the darkhast enquiry is appended.

Memo

Briefly, the facts are that in April and May 1882 one Channaraya and Obalappah applied for this land Survey No: 53. The Shikdar and the Shanbogue having reported that there were 100 toddy trees, 100 toddy plants and 150 Honge plants, the Amildar refused to sanction the darkhast. Ponnamma (Petr's father) applied for the land in Dec. 1882. The same Shikdar and Shanbogue then represented that there were 25 toddy trees, 30 toddy plants and 60 Honge plants. The land was sold by auction. In the Haraj patti it is mentioned that according to the Muchalika the toddy trees are reserved. Ponnamma executed a Muchalika which has been translated also. He purchased the land for Rs 58 and was put in possn thereof on 26/2/83. Since then the land has been in the

7

In regard to the question of enjoyment of the trees since the sale the Dy Comr states "the Petr is reported to have once let out the date trees on the land in question to the toddy farmer of Kottgere for Rs 15 in the year 1892-93". The Dy Amildar in his report dated 1.2.96 states that in other years nobody drew toddy from this Vanam, and that prior to the sale (of the land) when it (?) belonged to Govt, toddy seems to have been drawn here in the days of contractor Rudrayya for the Dukans of Mysavankal, Vaddagere & Chikgondanhalli. The Dy Comr lays stress on the word "about" qualifying the No 55 in the Haraj patti, & on the statement of Ponnamma in the Muchalika that he did not count the right-to date trees, and argues that Petr has no right to any of the date trees now on the land. The Toddy Inspr writing on the 12 Jan 1896 states that there are date, honge & Lantana & thorny shrubs all over, that some portions of the land are quite inaccessible, & that the counting was made with the aid of Panchayets "as far as possible"

Thanal Nos 6 to 12 are the old records connected with the case and are detailed here seriatim.

No 6 Contains 10 Sub-Nos & has a seperate Pharist for itself:

Sub: No 1 is the Dharkast for the land dd 11.12.82 by Ponnamma father of the appellant. On this the Maddapiri has endorsed an order to the Amildar dd 12.12.82 to the Sheikdar as follows: "If there is no balance and if the land does not contain trees or buildings on it make over the possession to the Dharkastdar after the execution of the Panchalika (N.B. There is no report on this either by the Shanbogue or the Sheikdar stating the No of trees on the land - It is only after the sale that the No of trees on the land are reported to the Taluk Amildar -).

Sub No 2 is a report by the Sheikdar dd 18.12.82 (day after the sale) to the Amildar of the fact of the sale & the execution of the Panchalika - This report has a clause meaning that the land was bid for on account of the Hongé trees (as on 5.12.82 on which day 2000 to 3000 Hongé trees).

On the back of this is a request by the Amildar Maddapiri to the Dy. Amildar Korategiri to resell the land as there was a possibility of its fetching more -

Sub No 3 is an order to ratify the sale.

Sub No 4 is a report by the Dy Amr to the Amr that he had conducted the sale; that no higher bid than Rs 58 could be had; that the bid seems to have gone to

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house of Ponnamma and his son the petr. The land is not fit for cultivation. The petr is also alleged to have leased out the Toddy trees to the Kottagere farmer in the year Nandana (1892-93) for Rs 15: (Vide Dy Comr's letter No: 665 of 11/2/96). The number of the trees on the land is —

Toddy trees fit for tapping. —	300
do not fit for tapping —	290
Toddy plants ———	265
Hongé trees ———	450
Hongé plants ———	175
Mangoe trees ———	7

It is also said that the 265 toddy plants and 175 Hongé trees and 7 mango trees have grown up since the sale of the land. (Vide Dy Comr's letter quoted above) The petr's chief contention is that Govt are only entitled to have the 55 trees reserved at the time of sale and not any trees that have subsequently grown.

With regard to the acquisition of lands for toddy groves the Amildar says as follows:— "The Number of toddy groves in this Sub-Taluk is small. Of these some have been attached to the Tumkur Taluk Durkans. Some groves have, from a long time, been in the possn of private holders. It would be proper to acquire some lands. In the list prepared in accordance with the order of the Dy Comr's order dd No: 66 of 22/11/94, 14 private holdings have been mentioned. (The Toddy Inspector says that this land should

& grown close. (ಕಿರು ಗಿಡಗಳು
ಮತ್ತು ಪೊದೆಗಳು ಸಾಂದ್ರವಾಗಿ
ಬೆಳೆದಿವೆ ಎಂಬುದಾಗಿ ಹೇಳಿಕೆ
ಕೊಟ್ಟಿರುವ ಮೇರೆಗೆ ಈ ಜಮೀನು
ಉತ್ತಮವಾಗಿ ಬೇಸಾಯಕ್ಕೆ ಯೋಗ್ಯವಾಗಿ
ಕಾಣುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾನೆ.)

Sub No: 5 is a statement dt 14.1.83 sent to the District for confirmation of the sale. In the column of remarks the Huzur Sheristadar Amildar states that this land is not an arable one and that the sale may be confirmed as it is reported that the bid went so high on account of Honge trees. This contains also the confirmation order of the Dy Commr: dated 17.2.83.

Sub No: 6 is the Haraj Patti of the sale conducted by the Shirstadar on 17.12.82. This contains a detailed statement of trees standing on the land viz,

55 Shendi trees
Those that can be tapped about 25
Young plants about 30
60 Honge plants.

There is a clause in this viz, ಇದಕ್ಕೆ ಯಾವ ತಕರಾರೂ ಇಲ್ಲದೆ ಇದೆ ಎಂದು ಬರೆದುಕೊಟ್ಟ i.e. there has been a sale of land, date trees excepted as per Muchalika.

Sub No: 6/1 is the Haraj Patti of the sale conducted by the Dy Amildar on 27.12.82. This sale is stated to have been held at Chikgondalli where the land is situated - on the occasion of "the Jamabandi Janikke" (The Dy Amrs signature is illegible)

Sub No: 7 is the Notification of the sale dt 27.12.82

Sub No: 8 is the Muchalika executed by the father of the appellant - (Vide its translation Supra p-2.)

Cont'd from last page

Survey No: 53 has been also included in this list, Vide this report No: 1190/8 24/5/85, but the Amildar says nothing about this) If this land is not to be assigned it would be convenient to give over the reserved trees to Petr: at a fair Valuation."

On 29/6/95 Petr: deposed before the Amildar that he was willing to take the trees reserved by Govt:, if Govt: would give them

A.S.
27/3/96

by the father of the appellant dy 20.3.83 about his having taken possession of the land &c - Sub No 10 is a copy application

No 7 is a previous Dharkast for the land dy 23.5.82 by Hobalich.
No 8 is a darkast for the land by Chennaraya dy 27.4.82.
No 9 is a report by the Sheikdar dy 28.5.82 stating that the land contains 200 date trees + 150 Honge trees (as per reports of the Shanbogue Nos 11 + 12 to the like effect) - On the back of this is an order dy 31.5.82 by the Amildar to report how many of these (date trees) are young plants & how many are large trees; and also whether there is any arable tract here. Here will be found the Shanbogs reply to this viz, that out of this number (i.e. 200) half of them are big trees & the other half young plants; & that there is no arable tract -
No 10 is a report dy 3.6.82 of the Sheikdar embodying the above reply of the Shanbogue. On this is the order of the Amildar dy 4.6.82 rejecting the Dharakast (referred to in No 7) as the land was one that could not be given as per Dewan's recent circular.

C.G.K.

an unoccupied longtime
for the trees.

This is a question involving
a distinct set of date trees -
I am not quite sure that this
does not relate to the exact Dyott.
I am inclining that this matter
may be decided in that Dyott.

MMB
15/4/96

Filed 15/4/96.
Please see
any note on the
Dy Commissioners
No 418 of 8th November
15-4-96

The Dy Commissioners order must be confirmed
Peters. Contention that only the date trees that exist at
the time of the grant of the land to his late father in
1862 have been reserved for sale. and that he has
a right to those that have grown since, is untenable
and absurd. When the land was first cut it
was overgrown with date trees. and naturally

on the account It was a date fixed
upon previously by Lord Cornwallis for
the supply of certain stores. The previous
Durbhast for the land had been settled
only a few months before & the Peti-
tioner had put forward any such
claim, as the Petr: has now done, the
Poligars wd. never have got the land
evidently he got the land for the sake
of the Hereditary pergunna for the Horse &
Foot Peons, paying for the Hoggle
trees and agreeing to the reservation of toddy
trees Peter who succeeded his father
Can in no way claim the toddy trees
that grew spontaneously & were found
in the ground & the Inamdar & agreed
for his predecessor He leased out the
toddy trees on the land at 18 Chuckrums
with the Conveyance of the Village pendency
He has not refused to lease them out &
the local officials failed in protecting
the interests of their employers failing
them to do so Peter did not appear
to be allowed to interfere with the Toddy
trees now standing on the Land or
those that may grow hereafter if he
is unwilling to hold the land for the
Horse Peons as has hitherto done

the land to Ford.
Under the circumstances the land should not have been given out at all
It was a mistake that it was given out, soon after the previous
application was rejected, and the
land declared to be a State grant
Grant (Civ Case

For the above reasons the petitioner cannot
but be disappointed.
22nd April 1894

Also, may be issued to the G. Rules
to petitioner have a right to keep in
each Valley of the State trees reserved
in each Act for fuel and for cultivation
subsets from the Keys to be issued to
the Police & Chowkidars who as well
as the Revenue Officials shall be held
responsible for the preservation of the
State trees reserved. They shall have an
eye that the holders of the G. Nos. do
not interfere with the trees or their
natural propagation so long as
it does not interfere with the cultivation
of the lands. Where they have

actual been brought under cultivation

22/6

FILE No. 142-95

SERIAL No. 1

189 5

No. 1172 (3)

Name of Petitioner, Payappa son of Ponnamma

Village, Chelgondanhally

Taluk, Koralagere Taluq

District, Tumkur

Date of Arzi, 13-9-95

Date of Receipt, 14-9-95

Date of Disposal,

of Enclosure, 1

A spare copy of the Pro: No 1978-87/97 of 8/6/89 putups
Dy
16/9/95

RKB. 16/9/95

In time
Stamp deft
Sent to the Rev. Secy

16/9 Submitted to the 2nd Councillor
HCh
17/9/95

ABSTRACT.

Appeals against the order of the Dy Comr, Tumkur dtd, on the following grounds:—

(1) That the appellant's father Ponnamma bought the lands in question for Rs 58 and that they were put into his possession after the execution of a Muchalika to the effect that the purchaser had no right to the then existing 55 date trees;

(2) that the Petr & his father have been enjoying the lands as their Kandayam lands but that now they are prevented from cultivating these lands by the spontaneous growth of many date & Honge trees, of which Govt have no right according

accompanied by copy of proceedings
& the record
whereon this
order was given and
for enumeration
of what was the
number of date
trees on the
original Dastkat
& the present
marked

20/9/95

Draft recd
Draft'd 21-9-95

to the Sale patti;

(3) that according to Survey and Revenue Rules the holder of Cumdayam land is entitled to the ~~rights of~~ trees subsequently growing ~~thereon~~;

(4) that the Dy Comr without considering the rights of the Complt deprived him of the right of these trees by misconstruing Procs No 1978-87 47 8/6/89 as being applicable to Bangalore distt alone;

(5) that the appellant was leasing out the date trees, just as other holders of lands containing date trees, to Toddy Contractors; and

(6) that he has sustained a loss of Rs 100 by the wrongful act of the Toddy Contractor and ~~Contractor~~ Toddy Inspector.

He prays that the case may be enquired into and an equitable order passed.

The Dy Comrs order is as follows:—

In cases where lands were granted for cultivation, with ~~reserving~~ the right to date trees thereon reserved to Govt, the holders are entitled only to the land, & the right to trees irrespective of their number, vests in Govt. The holder has therefore no right whatever to the trees. In the present instance the holder executed a muchalika to the like effect & his contention that he has a right to the trees which flow from once, cannot be accepted.

The order of Govt alluded to by Dy Comr is referred to in the Amildars' Patta.

1889.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 8th June 1889.

No. 1978-87.
Cir. 47.

Regarding lands containing date trees being given out for cultivation.

Mysore Govt. Central Press, Bangalore.-22-6-89.—250.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 8th June 1889.

READ THE FOLLOWING PAPERS :—

From the Chief Secretary to the Dewan of Mysore, To the Superintendent, Mysore Revenue Survey, No. 3258—58, dated 22nd July 1886.

It having been brought to the notice of the Dewan that lands containing date trees are indiscriminately granted for cultivation in the Mysore District, especially in Taluks to which the Survey Settlement has not been extended, I am directed to request that in Taluks still remaining to be settled you will be so good as to take steps for the proper demarcation of toddy topes from which toddy is at present drawn, and of which a list will be furnished to you by Messrs. Davy, Muddappa and Co., Toddy Contractors of the Mysore District. The demarcation now ordered is intended to prevent the growth of occupancy rights in these topes from which a large revenue is derived by Government, and it is desirable I am to add to carry it out in the manner laid down for Amrut Mahal Kavals.

In regard to toddy topes in the settled Taluks of Heggaddevankote, Yedatore and Hunsur, a separate communication will be made on completion of the enquiries which are now being made in regard to them.

No. 3856-64—144, dated 7th August 1886.

ORDER.—With reference to the orders noted in the margin, prohibiting the grant of lands containing date trees for cultivation, the Dewan observes that the restriction as it now stands is too general, and he is of opinion that it should be confined to topes actually required for the purpose of the toddy contract. The Deputy Commissioners of Districts are accordingly requested, in consultation with the Toddy Contractors or their agents, to cause a statement to be prepared in the accompanying form showing the situation, numbers, extent and assessment of all lands from which toddy is at present drawn, whether such lands be in the possession of raiyats or Government. The statement should be prepared for each taluk separately with the assistance of the Toddy Amins and sub-contractors and the village officials, and when completed, should be submitted to this office for record. On receipt of such lists, orders will issue restricting the operation of the existing orders to lands included in them. The necessary instructions should be at once issued to the Amildars concerned.

Proceedings No. 2827-57, dated 21st August 1883.
Proceedings No. 3593-91, dated 11th September 1884.

Taluk.	Village.	Land from which Toddy is drawn.			Whether the land is occupied by raiyats or Government waste.	Whether it is important to reserve the land as a Toddy grove.
		No.	Area.	Assessment if any.		

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 8th June 1889.

Letter No. 945, dated 15th March 1887, from the Deputy Commissioner of Bangalore and letter No. 268—80, dated 7th May 1888, from the Deputy Commissioner of Kolar, submitting lists of lands containing date trees from which toddy is at present drawn.

No. 1978-87—47, DATED BANGALORE, 8TH JUNE 1889.

ORDER THEREON.—The lands as per accompanying Statement A in the Taluk of Bagepalli in the Kolar District, and in the Taluks of Bangalore, Dodballapur and Devanhalli in the Bangalore District, are ordered to be reserved for purposes of the toddy revenue. These lands should not be given out for cultivation without the sanction of Government obtained upon a special report submitted by the Deputy Commissioner in exceptional cases.

2. In the accompanying Statement B are specified certain lands in the aforesaid taluks which the Deputy Commissioners recommend for reservation though they are not in the possession of the Government. It is not desirable to acquire these lands at present, but should they, at any future time, be relinquished, they should not again be given out for occupation.

3. The Deputy Commissioners of Bangalore and Kolar are requested to cause to be duly recorded in the Village Account No. I the reservations above ordered, and to enjoin upon the local Revenue officials, close watchfulness to ensure their due enforcement. Where lands in Statement B are close to Government date groves, care should be taken to prevent encroachment.

4. It is reported that in the Chikballapur, Malur, Sidlaghatta and Bowringpet Taluks in the Kolar District, and in the Hoskote and Anekal Taluks in the Bangalore District, there are no date groves from which toddy is now drawn.

5. Orders have already been passed on the lists received from the Tumkur, Shimoga, Kadur and Chitaldroog Districts in Proceedings Nos. 7462-9—202 and 353—12, dated 25th February and 19th April 1889 respectively.

6. In regard to the taluks in which specific fields are ordered to be reserved for purposes of toddy revenue as above, the restriction contained in the Order No. 3593—81 of 11th September 1884 against the grant for occupation of lands on which there are date trees, is hereby withdrawn.

7. In the Chitaldroog District, there is an extensive area under date trees. This area is capable of very considerable reduction in so far as the toddy revenue is concerned, and the Deputy Commissioner of that District is accordingly requested to make a careful enquiry and report the minimum extent required to be reserved in each taluk for the purpose of the toddy revenue above, excluding therefrom all topes from which toddy may now be drawn for the manufacture of jaggory. It is obviously most undesirable that extension of cultivation should be prevented by the reservation of every Government land on which there may be date trees without reference to the fact whether such trees are really required for the purpose of the toddy revenue or not. The Government are willing to make a very liberal allowance, but the reservations recommended by the Deputy Commissioner are far in excess of the highest possible demands of the toddy revenue. It is perhaps desirable on many grounds to give a temporary lease of some of the lands in question for the purpose of manufacture of jaggory, on the expiry of the present toddy contracts, and the Deputy Commissioner of Chitaldroog is accordingly requested to submit an early report upon the entire question.

8. In the Mysore District where a special agency has been employed, lists of reservations required have been received for the Taluks of Attikuppa, Nagamangala, Seringapatam, Mysore, Heggaddevankote and Hunsur, and separate orders will be passed upon them.

9. The Deputy Commissioners of Bangalore, Mysore and Kolar are requested to expedite the submission of lists for the remaining taluks of their Districts and the Deputy Commissioner of Hassan to submit lists for the taluks in that District without further delay.

R. VIJAYINDRA RAO,
Chief Secretary.

To—The Superintendent, Revenue Survey, in continuation of letter No. 3258—58, dated 22nd July 1886.
The Excise Commissioner of Mysore.
The Deputy Commissioners of Districts.

A.

Statement showing particulars of lands ordered to be reserved for purposes of Toddy Revenue.

District.	Taluk.	Village.	Land reserved.						Deputy Commissioner's Remarks.	
			No.	Area.		Assessment if any.				
				A.	G.	Rs.	A.	P.		
Kolar District.	Bagepalli ...	Gulur	229	163	7	...	...	...	This is a toddy grove which it is necessary to reserve.	
		Jinojirlu	94	1	2	...	...	...	Do	do.
		Bagepalli	232	62	22	...	...	...	Do	do.
		Somanahalli	286	37	32	...	...	...	Close to the toddy grove.—Necessary to reserve.	
			287	8	24	8	8	0	Do	do.
			292	5	23	7	8	0	Do	do.
			294	14	8	11	0	0	Do	do.
		Kalenahalli	88	4	2	8	8	8	Do	do.
			89	10	29	12	0	0	Do	do.
			90	10	24	7	8	0	Do	do.
			92	16	2	10	0	0	This is a large toddy grove which it is necessary to reserve	
			100	18	12	...	...	...	Close to the toddy grove.—Necessary to reserve.	
			101	6	12	4	8	0		
			102	10	28	...	...	...	Do	do.
			103	10	33	...	...	...		
			67	2	3	...	...	...		
		Kadri Settihalli	4	3	28	2	4	0		
			7	1	28	1	4	0		
			6	6	38	4	8	0	Do	do.
			8	8	25	4	8	0		
			10	7	37	5	8	0		
			12	7	33	6	0	0		

Statement showing particulars of lands ordered to be reserved for purposes of Toddy Revenue.

District	Taluk.	Village.	Land reserved.						Deputy Commissioner's Remarks.
			No.	Area.		Assessment if any.			
				A.	G.	Rs.	A.	P.	
Kolar District.—*Concluded.*	Bagepalli	Kammadika	17	2	24	7	0	0	Close to the toddy grove.—Necessary to reserve.
			55	13	31	11	4	0	This is a toddy grove which it is necessary to reserve.
			69	9	11	12	0	0	Close to the toddy grove.—Necessary to reserve.
			84	6	8	7	8	0	This is a toddy grove which it is necessary to reserve.
			86	8	30	9	8	0	Close to the toddy grove.—Necessary to reserve.
			69	9	11	12	0	0	
			136	10	15	12	0	0	
		Amani Bhairasagarakere	1	257	24	...	...	...	Contains 158 mature trees.—Necessary to reserve.
			258	32	9	...	...	...	Do 80 do do.
			287	4	13	22	0	0	Do 20 do do.
			368	5	20	17	0	0	Do 15 do do.
			276	6	15	12	0	0	Do 12 do do.
		Abgattahalli	8	25	17	...	...	...	Do do.
	Bangalore	Chinnakurchi	41	67	7	...	...	...	Fit to be reserved as a toddy grove, as there are 150 date trees
		Ramasandra	8	0	31	1	4	0	Do 380 do.
			126	2	9	2	12	0	Do 65 do.

Bangalore District.

Devanhalli	...	Kundana	...	...	...	41	4	13	...	...	...	Fit to be reserved as a toddy grove.			
						42	5	15	9	0	0	This number contains 200 young trees and it may be reserved.			
						52	10	33	...	...	...	Fit to be reserved as a toddy grove.			
Dodballapur	...	Hoskote	...	...	...	28	27	30	12	0	0	Fit to be reserved as a toddy grove as there are about 900 trees.			
						29	32	30	12	0	0	Do	do	150	do.
						30	25	...	8	0	0	Do	do	600	do.
						31	33	...	12	0	0	Do	do	500	do.
						33	15	5	3	8	0	Do	do	30	do.
		Hosahalli	...	...	...	37	11	4	16	0	0	Do	do	350	do.
						38	15	19	15	0	0	Do	do	120	do.
						39	14	11	14	0	0	Do	do	250	do.
						40	14	23	32	0	0	Do	do	60	do.
						41	20	21	15	0	0	Do	do	150	do.
						42	43	25	19	0	0	Do	do	450	do.
						43	41	33	10	0	0	Do	do	500	do.
						44	25	10	17	0	0	Do	do	300	do.
						45	42	8	16	0	0	Do	do	700	do.
						48	22	36	14	0	0	Do	do	do.	
						57	28	18	34	0	0	Do	do	300	do.
						59	8	39	10	0	0	Do	do	60	do.
		Yerramuddanahalli	...	...	...	11	11	38	2	0	0	There are 12 trees fit for tapping, and the rest are small, but are very numerous.			
						14	5	7	4	0	0	There are 29 trees.			
						15	19	11	4	0	0	There are numerous trees in this land, and the number must be reserved as a grove.			

B.

Statement of occupied lands in the Bangalore and Kolar Districts which the Deputy Commissioners recommend for reservation for purposes of Toddy Revenue.

District.	Taluk.	Village.	No. of Land.	Area.		Assessment.			Deputy Commissioner's Remarks.
				A.	G.	Rs.	A.	P.	
Kolar.	Bagepalli ...	Somanhalli	288	3	14	8	8	0	Close to the toddy grove.—Necessary to reserve.
			293	5	34	14	0	0	Do do
			295	5	4	7	0	0	Do do
			298	5	28	5	8	0	Do do
		Kalenahalli	91	4	18	5	8	0	Do do
			93	6	29	12	8	0	Necessary to reserve. On the southern side of this number there are about 150 trees and the remainder has no trees and is under cultivation.
			98	4	36	4	0	0	Close to the toddy grove.—Necessary to resevre.
		Kadrisetti halli	5	7	38	6	8	0	Do do
			9	1	9	1	0	0	Do do
			17	6	15	4	8	0	Do do
			19	4	30	4	0	0	Do do
		Kammadika	40	0	4	0	8	0	Do do
			52	1	12	1	8	0	Do do
			54	6	33	20	0	0	Do do
			64	2	0	2	4	0	Do do
			Portion of 55	0	26	0	12	0	Do do
Bangalore.	Bangalore ...	Chinnakurehi	37	6	3	15	0	0	There are 350 trees, the present holder of the land has leased out the toddy for Rs. 50. This may be reserved as a toddy grove.

R. VIJAYINDRA RAO,
Chief Secretary.

Revenue 14/9/95

1172

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. N. 1172 R
DATE 14-9-95

In the Court of the Councellor.
to the Government of
Mysore.

Revenue appeal No. 6/95-96

Appellant.

Payappa son of Ponnanna. Chilgoudanhully
Koratagere Taluq. Tumkur District.

The appellant above named most respectfully begs to prefer this appeal to this Honourable Court against the order of the Tumkur Deputy Commissioner dated 19.7.95 for the following reasons:—

1. That the appellants father Ponnanna applied for the land Survey No. 53 measuring 11 acres and assessed Rupees 8/- Situated in the village of Cheelgondahully, Koratagere Taluq, Tumkur District in December 1882.

2. That the said land with all the trees

date trees was sold by public auction and it was purchased by the said Ponnamma for Rupees 58/ and paid the full amount of the purchase.

3. That after the sale was completed the said Ponnamma was put in possession of the said land by the Taluq authorities taking a Muchalika from the said Ponnamma that he had no right to the then existing 55 date trees.

4. Since then the said Ponnamma and his son the appellant have been paying Condayam to Government without cultivation owing to the spontaneous growth of date trees to the number 1 or 1½ thousand and some Hongè trees.

5. According to the Sale patti and Muchalika the Government has got right only to the then existing 55 date trees but not to others subsequently grown date trees.

6. According to the Survey rules as well as the Revenue Code and the Rules thereunder the holder is entitled to the trees subsequently grown.

duly considering the rights of the appellant where complained to him about the wrongful act of the Toddy Contractor and Toddy Inspector passed an order, herewith produced depriving the appellant of his right to the said trees.

8. The Deputy Commissioner misconstrued the proceedings 1978-87/47 dated 8th June 1889 that the said proceedings only apply to the Bangalore District where as it applies to the whole province.

9. The appellant upto 6 months ago was leasing out the said date trees to the Toddy Contractors as the other holders of lands containing date trees in the province

10. The appellant has sustained a loss of more than one hundred Rupees for 6 months from the wrongful act of the Toddy Contractor and the Toddy Inspector for which the appellant desires to file a suit.

11. The Deputy Commissioner's order depriving the appellant of his right to the date trees in his Cowdagere land is opposed to law in force in the province

12. For the foregoing reasons the appellant humbly solicits this Honourable Court to send for all the papers connected with the Case and after hearing the same and the appellant to reverse the order of the Deputy Commissioner and further restrain the Toddy Contractor and the Toddy Inspector from entering to the appellants land and tab the trees without previously entering into an agreement with the appellant and obtaining the trees to tab for a reasonable price.

13-9-98

DY. AMILDAR MAGISTRATE'S COURT
26 AUG. 95
KORTAGERE SUB-TALUK

2
2a

(illegible)

22-8-95

26-8-95

5200

Yours sincerely
[illegible]
Head Quarters
Camp Amildar
25-8-95

S[illegible]

FILE [illegible]

SERIAL [illegible]

25/9/95

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1172

dated 13 Septr. 1895 received at the

Dewan's Office from Payappa of Chelagondanahally, Kolegala Sub-Taluk complaining that he has been deprived of his right to the date trees ~~thereon~~ on his land survey No 53 in the said village since the grant of the land for cultivation

is forwarded, together with its one enclosure, to the Dy Commr Tumkur Dist for report with records of the case. It should also be stated whether when the land was given out for cultivation and the number of date trees which stood thereon & should also be shown in the Original Darkhast filed & submitted

2. The petition with its enclosure should be returned

By order,

Draftr

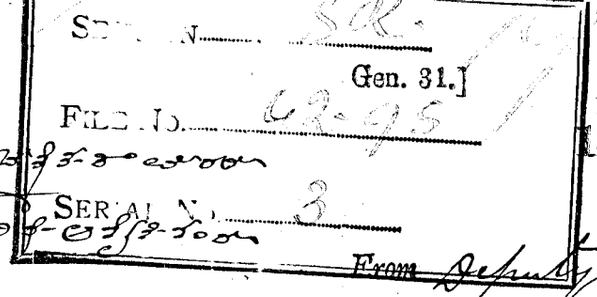
22/9/95

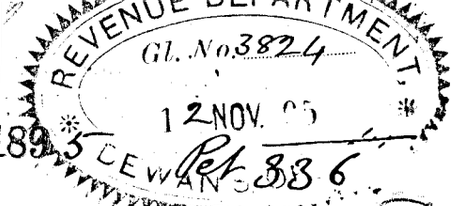
Revenue Secretary.

BANGALORE,

22-9-1895

25





From Deputy Commissioner
Tumkur District

To Revenue Secretary to the
Govt of Mysore -

Dated 8th November 1895.

Despatched

Received

General No.

No. 418

Enclosure No. V. record & Petn

His Offl Memo No Pet 7217
22nd September 1895.

Reports on the petition
of Rayappa of Cheelagondanahalli in the Konata
gere Sub Taluk

Petn
11/11/95

Subd with refce to the order on
Petn No 1172 -

The Muchalika of Sonnamma
817. 12-82 refd to in this report is
as follows: — "I have applied for the
dry land No 53 of this village. The
Govt may itself retain the right, title
& interest to the date trees thereupon,
namely, about 25 fit for drawing
toddy and about 32 small ones.
I do not want it (ನನಗೆ ಅವಶ್ಯವಿಲ್ಲ).
The right to the land (ಭೂಮಿಯ ಹಕ್ಕು) is
sufficient (for me) -

15/11 The No of trees existing
at the time of sale seems
to have been grossly
underrated - However
the reservation as
specially mentioned
in the Hasanamma
Muchalika has
enabled the Petr
come forward with
a plausible case
It is difficult to
say that the reserva-

ನಿನ್ನೆ 3 ಗಂಟೆಯವರೆಗೂ ಸಹಿ ಮಾಡಿಸಿಕೊಂಡು
ಅಂಚೆಯಲ್ಲಿ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ -

2 ನೇ ಪಕ್ಷದವರು ಸಹಿ ಮಾಡಿಸಿಕೊಂಡು
ಹೋಗಿರುವುದಿಲ್ಲ -

ಆಗಿರುವುದಿಲ್ಲ -

ನಿನ್ನೆ 13/11/95. Sampathi Rao

No: 418
V. Record & P.

Tumkur District
Deputy Commissioners office
Tumkur 8th November 1895

To

The Revenue Secretary to the
Government of Mysore

Sir,

With reference to your official Memorandum No Rev 721 of the 22nd September 1895 forwarding, for report with records of the case, petition of Bayappa of Cheelagondana halli in the Koratagere Sub Taluk complaining that he has been deprived of his right to the date trees on his land survey No: 53 in the said village, I have the honor to state as follows.

2 The land in question measures 11 acres and is assessed at 8 Rupees. An application for its grant for purposes of cultivation received for the first time on the 23rd May 1882 was rejected by the

Amildar on the 4th June 1882 on the report of the Shekdar, that it contained 150 Honge and 200 date trees and was therefore fit to be retained as a date reserve.

3. On the 11th December 1882 there was an application for the said land from Bommanna the petitioner's father. On receipt of this application, the Amildar without reference to the orders passed on the 1st Durkhast at once authorized the Shekdar to sell the land if there were trees standing on it. The Shekdar also ignored the orders passed in June previous and after obtaining a Muchalika from the petitioners father on the 17th December 1882, to the effect that he would not interfere with the 55 date trees on the land, held the sale on the 27th December 1882 The petitioners father was the purchaser

at the sale for Rupees 58/- In reporting the sale for sanction, the number of trees standing on the land was given by the Shékdar as 55 date and 60 Fongé. The sale was conformed by the Deputy Commissioner on the 17th January 1883 and the land was put in possession of the petitioners father on the 20th February 1883.

4. It will thus be seen that the date trees on the land in question were reserved for the purpose of the Toddy Revenue It is in evidence that the trees on the land were formerly worked by the Government Toddy Contractors as part of their Contract and the land in question has been all along included in the list of lands reserved for Toddy purposes. In arranging for the working of the Toddy farms of the Koratayere

Sub Talik for 1895-96, the Date trees on the land in question were assigned to the Rampura Toddy shop. The petitioner in complaining to the Deputy Amildar against this assignment, in his petition of the 13th May 1895, raised the question that the Government were only entitled to the 55 date trees which were reserved by Muchalika at the time of the grant of the land to his father in February 1883 and not to the trees which had sprung upon the land since that date. In the first place the application of the petitioner's father should not have been entertained, considering that a previous one had been rejected on the ground of the land containing numerous date trees. The conduct of the Shekdar who held the 2nd sale in not bringing to notice the rejection of the previous application was highly reprehensible. The number of date trees standing on the land was mentioned in the Muchalika as 55, but this was

apparently a mistake, the Shikdar's report, dated 28th May 1882, giving the number as 200. A smaller number than was actually standing on the land was entered in the Muchalika apparently with the object of misleading the authorities into sanctioning the grant of the land. As regards the reservation made in the Muchalika, executed by the petitioner's father on 17th December 1882, it is plain from this document that his occupancy of the land did not include the date trees on it. He was accordingly informed that under the conditions under which his father took up the land, he was not entitled to the date trees thereon. The petitioner appeals against this order and contends that he is entitled to the trees which sprung up on the land after it was put in his father's possession. The vernacular records connected with the case are

herewith

4.

herewith returned together with the petition received with your Memo under reply.

I have the honor to be
Sir
Your most obedient Servant

M Macaulay
Offg Deputy Commissioner
Tumkur District

C.V.

SECTION

FILE NO. 42

SERIAL NO. 41

(Draft)

1895

(6)

From

The Revenue Secretary

To

The Deputy Commr.
Tumkur District

Dated 28/26 November 1895

No. 4892/P1026 dd 23.11.95. Encl: one Ver: file.

~~With reference to his~~

His letter no 418 dated the 8th instant reporting on the petition of Rayappa of Cheelagondanhalli in the Korlagere Sub Taluk regarding the ~~right to certain~~ date trees on Survey no 53 of the said Village, ~~has~~ With reference to the above, has the honour to request that the Deputy Commr will be so good as to state who ~~has been~~ is in enjoyment of the trees in question since the sale of the land to the petitioner's father and what

trees have grown thereon subsequent to the said sale

2 The Deputy Commr is further requested to submit the entire correspondence on the subject which took place between the District and the Taluk offices

3 The records received with the above letter are herewith returned for reference and resubmission

By order

(Draft) 23/11

C 2 For Revenue Secretary

BCH 22.11.95

SECTION Gen. 31.]

FILE NO. 4892

SERIAL NO. 5

From The Deputy Commr

Tinnevelly District

189 E-D76.

GL No. 6164

Pet. 526

15 FEB.

What is the Correspondence referred to in the Councillor's Postscript order as wanting in the file? HBh 9/2/96

To The Secretary to the Govt of Mysore

Revenue & General Departments.

Dated 11th
Despatched 14th
Received February 1896.

General No. 665
No.

Enclosure No. 1 V. file

His docket No. 4892 of the P. 1026
23rd November 1895.

Sub-d fr orders, with a precis, with reference to the note & order on the DF's former report (5)

HBh 28/3

Submitted Bd's Councillor

&

1-4-96

N.S. 114

Circumstances further information regarding the date trees on survey No. 53 in the occupation of Kayarpareiyan the village of Cheelapoondu-kully in the Kortpéré Sub Taluk.

Petition Branch.

WB 15/2/96

Subd with refce

No. 665

Enc: 1 V. file

Deputy Commissioner's Office,
Tirumkúr District.

Dated Sira 11th February
1896.

To,

The Secretary to the
Government of Mysore
Revenue and General
Departments.

Sir,

With reference to your docket No. 4892 / P. 1026 of the 23rd November 1895 calling for further information regarding the date trees on Survey No. 53 in the occupation of Bayappa in the village of Chikkapondrahally in the Kortgére Sub Taluk, I have the honor to state that the Petitioner is reported to have once let out the date trees on the land in question to the toddy farmer of Kortgére for rupees 15/- in the year 1892-93.

The No and description of trees now standing on the land are given in the margin - Of these, about 265 date trees, 175 Dongé and 90 Bévoo are stated to have sprung upon the land since its sale to Petrs father.

2. The whole of the Kamaresa record bearing on the case which ended with the Kortgiré Deputy Amildar's report No 105 of 1st February 1896 are herewith submitted. —

I have the honor to be,
Sir,
Your most obedient Servant,

Mr Narain Rao
C.S.I: Deputy Commissioner

W

X Date trees fit for tapping - 300
Young trees not fit for tapping - 290
Young Tirunis - 265
Dongé trees - 450
Young Dongé Tirunis - 175

GOVERNMENT OF MYSORE
SECTION
FILE NO. 62-95
SERIAL NO. 6

Two drafts

Proceedings of the Govt of Mysore

Order No. 10000-8 Dt 2-5-96
~~PJ~~ 69-95-16

An instance having come to the notice of Govt in which the holder of a land in the Kortagiri Sub-Taluk had, with the connivance of local officials, leased the date trees thereon on his own account to the Govt ~~Contr~~ Contractor, ~~notwithstanding~~ notwithstanding that at the time of the grant of the land for cultivation the right to the date trees thereon had been expressly reserved to Govt, Dy Com of Bastrelo are requested to have a register, in the accompanying form, kept in each Taluk, of date trees reserved in each survey Number given out for cultivation. Extracts from this Register shall be sent from time to time, to the patels and shanbhogues who, as well as Excise ~~Executive~~ officials, should be held responsible for the preservation of the date trees reserved. These should see that the holders of the survey Numbers do not interfere with the ~~trees~~ thus reserved trees or their natural propagation of such trees reserved. So long as it does not interfere with the cultivation of the la

which they have actually been brought
under cultivation, Council & Co
will prevented -

draft
C3

By order

A.S.
12/5/96

C 12-5-96
Secretary

To The Dr. Comm.rs of D.S.
The Excise Comm.rs

P.P. 17/5

Press copy sent
D.W.R 16/5/96.

1895-96

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 12th May 1896

No. 10000-8
P. F. 69-95

Directing that a register be kept of date trees reserved on lands granted for cultivation.

J.C.P.B.—28-5-96—120

No. 10000-8—P. F. 69-95, DATED, MYSORE, 12TH MAY 1896.

ORDER.—An instance having come to the notice of Government in which the holder of a land in the Koratagere sub-taluk had, with the connivance of local officials, leased the date trees thereon on his own account to the Government contractor, notwithstanding that at the time of the grant of the land for cultivation the right to the date trees thereon had been expressly reserved to Government, Deputy Commissioners of Districts are requested to have a register, in the accompanying form, kept in each taluk, of the date trees reserved in each survey number given out for cultivation. Extracts from this register should be sent, from time to time, to the Patels and Shanbhogs who, as well as the Excise officials, should be held responsible for the preservation of the date trees so reserved. These should see that the holders of the survey numbers do not interfere with the trees thus reserved. The natural propagation of such reserved trees, so long as it does not interfere with the cultivation of the lands which have actually been brought under cultivation, should not also be prevented.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts.
The Excise Commissioner in Mysore.

Exd.—H.A.R.

Register of date trees reserved to Government in occupied lands in the taluk District.

Name of hobli.	Name of village.	Description of land.			Name of occupant.	Date of grant and terms thereof so far as they relate to date trees.	Number of date trees old and young at the time of the grant.	Date of last inspection and number of trees found at such inspection.	Dates and results of subsequent inspections.			Remarks.
		Survey No.	Extent.	Assessment.								

FILE NO. 12-95

SERIAL NO. 7

Two drafts

Proceedings of the Govt of Mysore

Read:—

(1) Petn No. 1172 d/13th Sept: 1895 from Payappa of Chilgundahalli, Kortagere Sub-Taluk, appealing against the order of the Dt Commr, Tumkur District, d/19th July 1895, holding that petr has no right to the date trees on Survey No: 53 of the said village, (dry land area measuring 11 acres assessed at Rs 8), which is in the holding of the petr

(2) Correspondence ending with the letter No: 665 d/11/2/96 from the Dt Commr, Tumkur Dist, and the records received therewith

Encl: one + one file of Ver: papers.

Order No 10009-10 d/12/5/96 P.T. 369-95

From the proceedings received, the facts relating to the grant of the land appear to be as follows:—

1 The land was overgrown with date and Honge trees and was unfit for cultivation. The date trees on the land were being worked by the Govt toddy contractors as part of their contract and the land had, all along, been included in the list of the lands reserved for toddy purposes.

2 In May 1882 one Obalayya applied for

for it; but the darkhast was rejected as it was reported that there were 200 date trees and plants on it. In Decr of the same. In Decr of the same year the petrs father made an application for the land. The number of trees was now reported to be 57 including plants; and without reference to the rejection of obalayya's darkhast the land was ordered to be sold. At the sale held on the 27th Decr 1882, petrs father made the highest bid, viz, Rs. 58. A muchalika was obtained from him to the effect that the Govt might itself retain the right, title and interest to the date trees on the land, viz, about 25 fit for drawing toddy and about 30 young plants, and that the right to the land was sufficient for him; and he was put in possession of the land on 25th Feb. 1883. The report of the Dy Amildar who conducted the sale shows that the land was prized for the Honê hroonee which it afforded; but the petr appears to have once let out the date trees on the land to the toddy farmer of Kottapûr for Rs. 15 in 1892-93.

3 In arranging for the working of the toddy farms of the Kottapûr Sub-Taluk for 1895-96, the date trees on this land

land were assigned to the Rampur Toddy shop. The petrs complained of the. to the Dy Amildar and urged that the Govt were only entitled to the 55 date trees mentioned in the Muchalika and not to the trees (about 265 in number) which have grown since ~~about 265 in~~ The Deputy Comr held that, under the terms of the Muchalika, the petrs was not entitled to any of the date trees on the land. Hence this appeal.

4 Under the circumstances referred to above, the land should not have been given out at all. The previous darkhast of Obelappa had been rejected only a few months before, and it was a mistake that the land was given out soon after the previous application was rejected.

5. The petrs contention that only the date trees, that existed at the time of the grant of the land to his late father in ~~1882~~ 1882-83, have been reserved for Govt and that he has a right to the trees that have grown since is untenable. His father obtained the land evidently for the sake of the Honge produce, agreeing to the reservation of toddy trees by Govt and paying for the Honge and

other

other trees. It is clear from the proceedings that the land would never have been granted to him if, as petr has now done, he had claimed any right to the date trees. The petr cannot in the face of the muchalika executed by his father, in any way claim the date trees both have grown spontaneously since the grant to the front of the land

6 The petr had no right to lease the date trees; and the lease granted by him in 1892-93 to the Kontajiri farmer was made clandestinely with the connivance of local officials who, by allowing him to do so, failed to protect the interests of Govt.

The petr should not be again allowed to interfere with the date trees now standing on the land or those that may grow hereafter. If he is unwilling to hold the land, as hitherto, for the Honji produce &c, he is at liberty to resign it to Govt.

8 The Dy Comrs order is therefore confirmed and the petrs appeal rejected

By order

draft
C3

12-5-96

NS
11/5/96

To The Dy Comr Seringapatam Distt, with copy of Sudrs issued to Petr & the record of the case.
The Excise Comr in Mysore

Petition
No 1172
@ 13.9.95

1172

Dated Simla the 12th April 1896 February

From

To

I am directed to forward herewith for the information of the Government of India a copy of the Resolution of the Government of Bombay, No. 1896 dated the 12th February 1896 on the subject of the Report of the Famine Commission.

2. The Resolution of the Government of India on the Report will be published in due course.

3. The Government of India desire to express their appreciation of the thorough manner in which the Commission has performed the duty entrusted to it, and of the valuable character of the Report which it has submitted.

4. The Government of India have carefully considered the Resolution of the Government of Bombay, and they accept generally the conclusions which it contains. They will now proceed briefly to review the Report and the Resolution, and to indicate the action which they propose to take upon the recommendations which they contain.

5. The Commission has divided its Report into two parts. The first part deals with the general principles of famine administration, and with the measures which should be taken to prevent famine, to mitigate its severity, and to relieve distress. The second part deals with the history of the famine in each province, and with the measures which were taken to meet it. The Government of India will follow the same division in their review.

6. The Commission has recommended that the Government of India should issue a general statement of the principles which should guide famine administration. The Government of India are of opinion that the Famine Code, which has been issued by the Local Governments, contains sufficient instructions on the subject, and that it is not necessary to issue any further general statement. They will, however, consider whether the Famine Code requires revision in any respect.

7. The Commission has recommended that the Government of India should appoint a Famine Commissioner, who should be responsible for the preparation of famine relief schemes, and for the supervision of famine administration. The Government of India are of opinion that this recommendation is not necessary. They will, however, consider whether the duties of the Famine Commissioner should be entrusted to an officer of the Government of India.

8. The Commission has recommended that the Government of India should appoint a Famine Commissioner, who should be responsible for the preparation of famine relief schemes, and for the supervision of famine administration. The Government of India are of opinion that this recommendation is not necessary. They will, however, consider whether the duties of the Famine Commissioner should be entrusted to an officer of the Government of India.

By order

Secretary

SECTION S. R.

FILE No. 62-95

SERIAL No. 8

To

The Excise Commr
in Mysore

No 2432.
Ex 90

Dated ~~7th August 97~~ 31 August 97
1-9.

Govt prov no 10000-8
P.7.69-95

G 12th May 1896 regarding
the inspection of date trees
reserved in lands given
out for cultivation &c.

~~From the~~ With reference
to the above has the honor to
request ~~the early submission~~ that the Excise Commr will be
pleased to state whether
~~of a report~~ as to ~~what has~~
effect has been given to the above order & all the
~~been done in the matter~~
Districts & whether the trees in question are
duly inspected & results of inspection noted
in the Register prescribed in "B O"
the order -

24/8/97
Secretary

9/8/97

Recd 14/8/97

14/8/97

No. 306
SECTION 16
FILE No. From
SUBJECT The Excise Commissioner

Bangalore, dated 7th July 1898.

8 (15)

To

The Secretary to the Government
of Mysore
General and Revenue Departments

Sir,

Reminder No 2432 15

In reply to your reminder No. 89 Ex: 8 dated 6th instant, I have the honor to state that the requisite information regarding the inspection of the date trees reserved to Government in lands given out for cultivation, has not yet been received from the Deputy Commissioners of Kolar, Tumkur, Mysore Hassan, Shimoga and Chitaldroog to whom another reminder has been sent

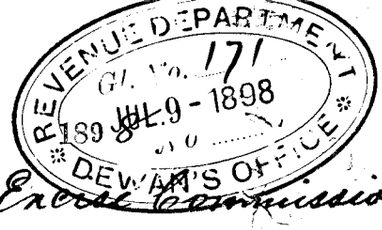
I have the honor to be,
Sir,
Your Most obedient Servant

[illegible]

For Excise Commissioner
in Mysore

Ex. 18.

Gen. 30]



From The Excise Commissioner in Mysor

To

The Secretary to the Govt. of Mysore,

General and Revenue Depts.

Dated 7th July 1898.

Despatched

Received

General No. 306

No. 16

Enclosure No.

In reply to Secretary's reminder No. 89 Ex. 8, dated 6th instant.

SUBJECT.

States that the requisite informa regarding the inspection of the date trees reserved to Government in lands given out for cultivation has not yet been received from the Deputy Commissioners of Kolar, Tumkur Mysore Hassan Shimoga and Chitaldroog

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References (to be entered only in the Dewan's Office).

12/7/98

Recd 9.7.98

Excise]

1899.

SECTION _____ From

FILE No. _____

SERIAL No. 11 To

The Excise Commissioner
in Mysore

THE SECRETARY TO GOVT. OF MYSORE,
General & Revenue Dept.s

Dated 24th July 1899.

Despatched 26 do.

Received

General No. 521

No. 28

Enclosure No.

Reminder to
2 & 32 on p.

In reply to Secretary's reminder No. 1704 (#7)
dated 22nd July 1899 Ex 15

SUBJECT.

States that effect has been given in all the districts to Government Proceedings No. 10000-8 P.T. 69-95, dated 12th May 1896, in regard to the inspection of date trees reserved to Government in lands given out for cultivation.

References
(to be entered only in the Dewan's Office.)

27.7.99

No. 521/28

Excise Commissioners office
Bangalore dated 24th July 18[illegible]/26

From

The Excise Commissioner
in Mysore

To

The Secretary to Government
General and Revenue Department

Sir,

(17)

In reply to your reminder No. 744 Ex 15 dated 22nd July 1899, I have the honor to state that effect has been given in all the districts to Government Proceedings No. 10000-8 P.F. 69-95, dated 12th May 1896 in regard to the inspection of date trees reserved to Government in lands given out for cultivation.

I have the honor to be,
Sir,
Your most obedient servant

[signature]

For Excise Commissioner
in mysore

SECTION S.S.

FILE No. F42-95

SUB-No. 11

Read:-

Letter No: 521/28 d 24th July 18 from the Excise Commr in Mysore stating ~~that effect has been given in all the Districts to Govt~~ with reference to this office No: 2432 d 31st August 1897, that effect has been given in all the Districts to Govt:- Prop No: 10,000 - 10,008 / P.7.69-95 d 12th Jan/1896, in regard to the inspection of date trees received to Govt: in lands given out for cultivation

Order thereon No: 1089 dt 1/8/97
Ex. F42-95-96

Recorded.

31-7-97

29/7/97 Secretary

29/7/97

To The Excise Commr in Mysore.

9 From the Excise Comm.

Dy No 171/Ex18 L. No 306/16. 9 7.7.98.

States that the requisite information has not been furnished by the Dy Comrs of Kolar, Tumkur, Mysore, Hassan, Shimoga and Chitaldrug.

10. From ——— Do ———

Dy. No 593/Ex29. 9 24.7.99. L. No 521/28.

States that effect has been given in all Districts as enquired in Sl 9 above.

11. To the Excise Comm.

No 1089/Ex-F-42/95 9.1.8.99.

Records the above

Endsd

B Thammappa